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# HOUSE BILL No. 1306

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-17; IC 10-11-2-32; IC 12-10-18-0.5; IC 31-36-2-0.5; IC 36-2-14-12.5.

**Synopsis:** Missing persons. Requires a law enforcement agency that receives a report of a missing person to take certain steps to locate the missing person, and requires a coroner having custody of unidentified human remains to take certain steps to attempt to identify the remains. Makes other changes.

**Effective:** July 1, 2007.

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### Cheatham

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January 16, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1306

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-17 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]:

### 4 Chapter 17. Missing Persons

5 Sec. 1. As used in this chapter, "high risk missing person"  
6 means a person whose whereabouts are not known and who may  
7 be at risk of injury or death. The term includes the following:

8 (1) A person who is missing as the result of abduction by a  
9 stranger.

10 (2) A person whose disappearance may be the result of the  
11 commission of a crime.

12 (3) A person whose disappearance occurred under  
13 circumstances that are inherently dangerous.

14 (4) A person who is missing for more than thirty (30) days.

15 (5) A missing person who is in need of medical attention or  
16 prescription medication.

17 (6) A missing person who does not have a pattern of running



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away or disappearing.

(7) A missing person who may be at risk due to abduction by a noncustodial parent.

(8) A missing person who is mentally impaired.

(9) A missing person who is less than twenty-one (21) years of age.

(10) A missing person who has previously been the victim of a threat of violence or an act of violence.

(11) A missing person who has been determined by a law enforcement agency to be:

(A) at risk of injury or death; or

(B) a person that meets any of the descriptions in subdivisions (1) through (10).

(13) A missing person who is an endangered adult (as defined in IC 12-7-2-131.3).

Sec. 2. As used in this chapter, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. The term does not include the inspector general or the attorney general.

Sec. 3. A law enforcement agency receiving a report of a missing:

(1) child less than eighteen (18) years age shall comply with the requirements of IC 31-36-2;

(2) endangered adult (as defined in IC 12-7-2-131.3) shall comply with the requirements of IC 12-10-18;

in addition to the procedures described in this chapter.

Sec. 4. A law enforcement agency shall accept without delay a report made in person concerning a missing person, even if one (1) or more of the following circumstances apply:

(1) The missing person is an adult.

(2) It does not appear that the person's disappearance is the result of a crime.

(3) The missing person has been missing for only a short time.

(4) The missing person has been missing for a long time.

(5) It does not appear that the missing person was within the jurisdiction served by the law enforcement agency at the time the person went missing.

(6) It appears that the missing person's disappearance may be voluntary.

(7) The person reporting the missing person does not have personal knowledge of the facts and circumstances surrounding the disappearance.

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(8) The person reporting the missing person is unable to provide all the information requested by the law enforcement agency.

(9) The person reporting the missing person does not have a familial or other relationship with the missing person.

Sec. 5. A law enforcement agency may accept a missing person report that is not made in person, including a report made by telephone, by electronic mail, by means of the Internet, or in another manner, if accepting the report is otherwise consistent with the practices of the law enforcement agency.

Sec. 6. (a) Upon receipt of a report of a missing person, a law enforcement agency shall attempt to gather relevant information that will assist in locating the missing person. This information must include the following, if available:

- (1) The name of the missing person, including any aliases.
- (2) The date of birth of the missing person.
- (3) Any identifying marks, such as a birthmark, mole, tattoo, or scar.
- (4) The height and weight of the missing person.
- (5) The gender of the missing person.
- (6) The race of the missing person.
- (7) The color of the missing person's hair at the time of the disappearance, and, if applicable, the natural color of the missing person's hair.
- (8) The eye color of the missing person.
- (9) Any prosthetic devices or surgical or cosmetic implants that the missing person may have.
- (10) Any physical anomalies of the missing person.
- (11) The blood type of the missing person.
- (12) The driver's license number of the missing person.
- (13) A recent photograph of the missing person.
- (14) A description of the clothing that the missing person was wearing when last seen.
- (15) A description of any other items, including jewelry or other accessories, that the missing person may have possessed at the time of the disappearance.
- (16) Contact information for the missing person, including electronic mail addresses and cellular telephone numbers.
- (17) Why the person submitting the report believes that the missing person is missing.
- (18) The name and location of the missing person's school or employer.

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(19) The name and location of the missing person's dentist and physician.

(20) Any reason to believe that the missing person's disappearance was not voluntary.

(21) Any reason to believe that the missing person may be in danger.

(22) A detailed description of the missing person's vehicle.

(23) Information concerning:

(A) the person with whom the missing person was last seen; or

(B) a possible abductor.

(24) The date of last contact with the missing person.

(25) Any other information that will assist in locating the missing person.

(b) A law enforcement agency shall determine as soon as possible after receipt of a report of a missing person whether the missing person is a high risk missing person. If, after a law enforcement agency determines that a missing person is not a high risk missing person, new information suggests that the missing person may be a high risk missing person, the law enforcement agency shall determine whether the person is a high risk missing person.

Sec. 7. Upon receipt of a report of a missing person, a law enforcement agency shall inform the person making the report, a family member of the missing person, and any other person whom the law enforcement agency believes may be helpful in locating the missing person of the following:

(1) The general procedure for handling missing person cases.

(2) The approach the law enforcement agency intends to pursue in the case, if, in the opinion of the law enforcement agency, disclosure would not adversely affect its investigation.

(3) That additional information may be required if the missing person is not promptly located or if additional information is discovered in the course of the investigation. The law enforcement agency shall describe the additional information that may be helpful, if this information is known.

(4) That a DNA sample belonging to the missing person may be submitted on a voluntary basis, that it may assist in locating the missing person, and that it will not be used for any other purpose.

(5) That the National Center for Missing and Exploited Children (if the missing person is a child) or the National

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Center for Missing Adults (if the missing person is an adult) may provide additional resources. The law enforcement agency shall provide contact information for the appropriate organization.

Sec. 8. (a) If a missing person has not been located after thirty (30) days after the date of the missing person report, the law enforcement agency that received the report shall obtain, if available, the following information and material:

(1) A DNA sample from the missing person or from family members, and all appropriate documentation and disclosure forms required for the use of the DNA.

(2) An authorization to release dental records or skeletal x-rays of the missing person.

(3) Additional photographs that may assist in locating the missing person.

(4) Dental records of the missing person.

(5) Fingerprints of the missing person.

(b) A law enforcement agency may obtain the information described in subsection (a) even if thirty (30) days have not elapsed from the date of the missing person report.

(c) This section does not permit a law enforcement agency to obtain information or material without a search warrant or another judicial order that would otherwise be required to obtain the information or material.

Sec. 9. (a) A law enforcement agency shall immediately forward DNA samples obtained under section 7(4) or 8 of this chapter to the appropriate laboratory to conduct DNA analysis.

(b) Information that is relevant to the Violent Criminal Apprehension Program operated by the Federal Bureau of Investigation shall be entered as soon as possible.

(c) The law enforcement agency may release to the public any photograph of the missing person that will, in the opinion of the law enforcement agency, assist in the location of the missing person. A law enforcement agency that releases a photograph under this subsection in good faith is not required to obtain written authorization for the release.

Sec. 10. (a) A law enforcement agency (if the law enforcement agency is not the state police department) that receives a report of a high risk missing person shall notify the state police department of the high risk missing person and provide the state police department with information that will assist the state police department in locating the high risk missing person.

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(b) The state police department shall inform every law enforcement agency in Indiana of the high risk missing person. In addition, the state police department may notify a law enforcement agency in another state if the state police department believes that the notification will assist in the location of the high risk missing person.

(c) The state police department shall do the following:

(1) Enter information that relates to a missing person report for a high risk missing person into:

(A) the National Crime Information Center (NCIC) data base not more than two (2) hours after the information is received; and

(B) any other appropriate data base not more than one (1) day after the information is received.

(2) Upload relevant DNA profiles to the missing persons data base of the State DNA Index System (SDIS) and the National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for data base entry.

(3) Ensure that a person who enters data relating to medical or dental records in a data base has the appropriate training to understand and correctly enter the information. The state police department may consult with a coroner, a pathologist, or another medical professional to ensure the accuracy of the medical or dental information.

(d) A law enforcement agency that receives a report of a high risk missing person under this section shall immediately:

(1) instruct the agency's officers to be alert for the missing person, and a person who may have abducted the missing person, if applicable; and

(2) enter all collected information related to the missing person case into appropriate state or federal data bases, or, if the law enforcement agency is unable to enter the information into the appropriate data bases, forward the collected information to the state police department for entry into the appropriate data base.

SECTION 2. IC 10-11-2-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 32.** In consultation with a coroner, a pathologist, or another medical professional, the superintendent shall develop guidelines and other information concerning the best practices for handling a scene of death and provide the guidelines and information to a local law enforcement agency. The superintendent

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shall also inform a law enforcement agency of any relevant publications or training opportunities available to law enforcement agencies.

SECTION 3. IC 12-10-18-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. A missing endangered adult is a high risk missing person under IC 5-2-17. A law enforcement agency receiving a report of a missing juvenile shall follow the procedures in IC 5-2-17 in addition to the procedures described in this chapter.**

SECTION 4. IC 31-36-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. A missing juvenile is a high risk missing person under IC 5-2-17. A law enforcement agency receiving a report of a missing juvenile shall follow the procedures in IC 5-2-17 in addition to the procedures described in this chapter.**

SECTION 5. IC 36-2-14-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12.5. (a) A coroner shall make all reasonable attempts to promptly identify human remains, including taking the following steps:**

- (1) Photograph the human remains before an autopsy is conducted.
- (2) X-ray the human remains.
- (3) Photograph items found with the human remains.
- (4) Fingerprint the remains, if possible.
- (5) Obtain tissue, bone, or hair samples suitable for DNA typing, if possible.
- (6) Collect any other information relevant to identification efforts.

**(b) A coroner may not dispose of unidentified human remains or take any other action that will materially affect the condition of the remains until the coroner has taken the steps described in subsection (a).**

**(c) If human remains have not been identified after thirty (30) days, the coroner or other person having custody of the remains shall request the state police to do the following:**

- (1) Enter information that may assist in the identification of the remains into:
  - (A) the National Crime Information Center (NCIC) data base; and
  - (B) any other appropriate data base.

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1 (2) Upload relevant DNA profiles from the remains to the  
2 missing persons data base of the State DNA Index System  
3 (SDIS) and the National DNA Index System (NDIS) after  
4 completion of the DNA analysis and other procedures  
5 required for data base entry.

6 (3) Ensure that a person who enters data relating to medical  
7 or dental records in a data base has the appropriate training  
8 to understand and correctly enter the information.

9 (d) If unidentified human remains are identified as belonging to  
10 a missing person, the coroner shall:

11 (1) notify the law enforcement agency handling the missing  
12 persons case that the missing person is deceased; and

13 (2) instruct the law enforcement agency to make documented  
14 efforts to contact family members of the missing person.

15 (e) No person may order the cremation of unidentified human  
16 remains.

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